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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,707	01/02/2004	Joel W. Pfister	S522.12-0012	3806
164	7590	04/03/2006	EXAMINER	
KINNEY & LANGE, P.A. THE KINNEY & LANGE BUILDING 312 SOUTH THIRD STREET MINNEAPOLIS, MN 55415-1002			STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/750,707

Applicant(s)

PFISTER, JOEL W.

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 31-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 54 and 55 is/are allowed.
- 6) ☒ Claim(s) 31-34, 36-39, 42, 43, 45, 46, 50-53 is/are rejected.
- 7) ☒ Claim(s) 35, 40, 41, 44 and 47-49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is a non-final Office Action for application number 10/750,707 Articulated Mount, filed on 1/2/04. Claims 31-55 are pending. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/17/06 has been entered.

### ***Affidavits under 1.132***

The affidavit under 37 CFR 1.132 filed 1/17/06 is insufficient to overcome the rejection of claims based upon Scholz as set forth in the last Office action because: the affidavit describes the purported differences between Wichers et al. and the present alleged invention. Also, this may pertain to the rejection under 35 USC 103, the affidavit does not overcome this rejection because the Wichers et al. and Scholz reference in combination disclose all the limitations as recited below.

### ***Specification***

The disclosure is objected to because of the following informalities:

The detailed description does not appear to be complete with regards to the elected figures (18A, 18B). The "Tapered Bearings 766. 768. 780. 782 and 784" should be more fully described including individual element descriptions under the appropriate figure heading. At least a reference should be made to the exact locations or location that had previously described the device.

Appropriate correction is required. No new matter may be entered.

Claims 42-53 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In regards to claim 42, the "means for providing a variable axial force" was not sufficiently taught by the specification and furthermore the addition of these terms may constitute new matter.

Claims 31-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 31, 42 and 54 recite the limitation "the wall mount" in line 4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

Claims 31, 34, 37-39, 42, 52 and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5820253 to Scholz.

The patent to Scholz discloses a mounting system (See Figure 6) having a wall plate, a mount plate (23) and an articulated linkage/support arms (57, 58) between the wall plate and the mount plate including an adjustable drag tapered bearing (20) for providing selectable drag pivotal movement about a first pivot axis, wherein the bearing has a tapered bore (74) which is part of a bushing (71) formed in and carried by a first support element (57), the first support element having a first support arm (57), the bore carried by the first support arm (57) of the articulated linkage and a tapered axle (21, 63, 43) carried by a second support element (69) has a second support arm (58), wherein the tapered axle has a tapered spindle (21) that is received within and contacts the tapered bore and an adjustment mechanism/means for providing an axial force (53, See Col. 3, lines 17-21) that is adjustably secured to the tapered spindle to adjust the compression between the bore and the spindle.

***Claim Rejections - 35 USC § 103***

Claims 32 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5820253 to Scholz as applied to claims 31 and 42 above.

Scholz discloses the basic inventive concept as shown above with the exception that it does not disclose a second adjustable drag tapered bearing about a second axis.

Scholz, (Figure 5) teaches a device with more than two axes of rotation (20, 66), and it would be obvious to make both joints adjustable tapered drag bearings, in order to have position control over both joints. Therefore, it would have been obvious to one of ordinary skill in the art to have added a second bearing as taught by Scholz in order to be able to control adjustment of the entire device.

Claims 33, 36, 43, 46, 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5820253 to Scholz as applied to claim 31 above and in view of United States Patent No. 3409315 to Wichers et al.

Scholz discloses the basic inventive concept as shown above with the exception that it does not disclose wherein the compression between the tapered bore and the tapered spindle is established by the means for providing an axial force which includes an adjustment mechanism which is a screw which is secured to the tapered spindle and contacts the tapered bore and is independent of rotation of the first and second support elements and wherein the tapered spindle has a threaded base and the second support element carries a threaded bore and the threaded base is screwed into the threaded bore.

Wicher et al. teaches a mounting system with articulated linkage (18, 20), the mounting system having a joint with a tapered bearing (50) with a tapered axle/spindle (86, 98, 70) having a threaded base (70), the joint having first (92) and second elements (58), the first element having a tapered bore (88, 90), the second element having a threaded bore (68), the threaded base and the threaded bore being screwed together,

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and a means for providing an axial force (72) which is an adjustment mechanism which is a screw which is secured to the tapered spindle (by shoulder on spindle/screw) and contacts the tapered bore and is independent of the rotation of the first and second elements, used so that the friction may be manually adjusted to the desired degree and so that the first and second elements are secured together. Therefore it would have been obvious to one of ordinary skill in the art to have used an adjustment mechanism which is independent from the rotation of the first and second elements in order to be able to manually adjust the device to the desired frictional degree and to have the first and second elements secured together.

### ***Response to Arguments***

The applicant has argued with regards to the specification objections that the specification adequately recites the description of the listed elements above. The examiner agrees that the applicant may recite an adequate description with regards to non-elected embodiments, but without any reference to these embodiments in regards to the elected figures, it is impossible to ascertain to connection between these embodiments. Further clarification is required.

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

Claims 35, 40, 41, 44 and 47-49 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1<sup>st</sup> and 2nd paragraphs, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Please note, that although the claims rejected under 35 USC 112, first paragraph are included in the allowable subject matter, these claims may or may not contain allowable subject matter dependent upon clarification of the rejection above. These claims are considered fully rejected and any subsequent action may be made final.

Claims 54 and 55 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The reason is that the prior art does not teach a tension cap having a through hole wherein the drag adjustment screw extends through the hole and through the first support element and fastener for engaging the screw and adjustably compression the tension cap and the first support element by adjusting the relative position of the fastener to the tapered spindle.

### ***Conclusion***

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal amendments). Any inquiry of a

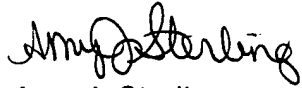


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general nature or relating to the status of this application should be directed to the  
Technology Center receptionist at 571-272-3600.

A handwritten signature in black ink, appearing to read "Amy J. Sterling". The signature is fluid and cursive, with the first name "Amy" and last name "Sterling" clearly distinguishable.

Amy J. Sterling  
3/30/06